

OFFICIAL COPY

Fresno, California

July 20, 1999

The City Council met in joint session with the Redevelopment Agency at the hour of 8:46 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Garry Bredefeld	Councilmember
	Chris Mathys	Acting President
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Council President

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY)

APPROVE AGENCY MINUTES OF JUNE 29, 1999)

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of June 29, 1999, approved as submitted.

(“B”) HEARING TO CONSIDER APPROVAL OF ACTIONS REGARDING THE SOUTHWEST FRESNO POLICE SUBSTATION AT THE KEARNEY PALMS SHOPPING CENTER PROJECT

1. COUNCIL RESOLUTION - APPROVING A COOPERATION AGREEMENT AND AGREEMENT TO FINANCE AND CONSTRUCT A POLICE SUBSTATION BETWEEN THE REDEVELOPMENT AGENCY AND CITY OF FRESNO, EITHER (1) IN THE FORM AND ON THE TERMS PROPOSED BY AGENCY STAFF, OR (2) IN THE FORM AND ON THE TERMS PROPOSED BY CITY STAFF; AND MAKING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 33445 AND 33679

2. AUTHORIZE AND DIRECT THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AND ADMINISTER THE CONTRACT (COUNCIL ACTION)

3. AGENCY RESOLUTION - APPROVING A COOPERATION AGREEMENT AND AGREEMENT TO FINANCE AND CONSTRUCT A POLICE SUBSTATION BETWEEN THE REDEVELOPMENT AGENCY AND THE CITY OF FRESNO, EITHER (1) IN THE FORM AND ON THE TERMS PROPOSED BY AGENCY STAFF, OR (2) IN THE FORM AND ON THE TERMS PROPOSED BY CITY STAFF (CONTINUE TO AUGUST 17, 1999, AT 8:30 A.M.)

4. AUTHORIZE AND DIRECT THE EXECUTIVE DIRECTOR OR DESIGNEE, TO EXECUTE AND ADMINISTER THE CONTRACT (AGENCY ACTION - CONTINUE TO AUGUST 17, 1999, AT 8:30 A.M.)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Director Fitzpatrick confirmed the Agency portion of the issue was being continued, noted he was not requesting action on either side this date, and advised he was requesting general direction on one item outstanding on the negotiation of the agreement.

A motion and second was made to continue **Item Nos. 3 and 4** as noted. Upon call, no one wished to be heard and President Steitz closed the hearing relative to those two issues.

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above listed **Items 3 and 4** continued to August 17, 1999, at 8:30 a.m., by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

City Manager Reid stated he concurred with the recommendation of Mr. Fitzpatrick to not taken action this date due to the HCDC's need to review and make recommendations; noted conceptual deal points were approved last year by Council and reviewed the fundamental basis of the agreement; requested consistency with the original conceptual deal points and ensure the Agency can fully fund the project scope as estimated by professionals; stated he felt the cost would be closer to \$120 a square foot rather \$90; and assured Council the City was not asking the Agency to fund items they were precluded from funding due to redevelopment law and added City would have to determine a funding source for furnishings for the substation estimated to be \$200,000.

Mr. Fitzpatrick reviewed certain issues and clarified the \$90 square foot amount was for construction costs only—not soft costs; reiterated he needed direction and recommended Agency staff be authorized to work with the Police Department to construct an 8,400 square foot facility and peg the dollar amount at \$90 a square foot with the authority to award the bid if it were to come back within 10% of that amount; and stated the issue of the Agency paying for furniture was in dispute and explained clarifying the Agency could not use tax increment funds for furniture and equipment. Mr. Reid responded stating the 10% contingency and the \$90 amount were not reasonable and explained, noted he felt a cap and limit did not need to be included in contracts at this stage, and commented on lease term provisions.

Barbara Hunt, 844 "F" Street, spoke in opposition to redevelopment.

Councilmember Ronquillo commented on the issue, expressed his support for staff's recommendation and to set parameters, emphasized he wanted the contractor to be extremely sensitive to the employment needs of the west side community and expressed his disappointment with the lack of an outreach effort, and made a motion, which was seconded and acted upon after brief comments

Acting President Mathys commented on the issue and the need for cooperation, emphasized the sub-station was needed, and stated his support to construct the facility to the full size needed. Brief discussion ensued on the \$90 cap.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, staff directed to work with the Police Department to construct an 8,400 square foot sub-station at a flexible cost of \$100 per square foot, a lease term of 20-years, fixtures and furniture to be paid by the city, and staff to report back to the Council and Agency on August 17, 1999, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	None
Abstain	:	Steitz

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The joint bodies recessed at 9:19 a.m. to later in the meeting and the City Council convened in regular session.

Monsignor Esquivel, St John's Cathedral, gave the invocation.

Police Capt. Rhames led the Pledge of Allegiance to the Flag.

CERTIFICATES OF COMMENDATION TO "NAME THE MILLENNIUM CELEBRATION" CONTEST CATEGORY WINNERS: MICHAEL ROBBINS, ALEXANDRIA WALKER, JAMIE MEADOWS AND JESSE OWENS, THE OVERALL WINNER - COUNCILMEMBER RONQUILLO

PROCLAMATION OF "AUDRA MCDONALD DAY" - COUNCILMEMBER QUINTERO (2 - 0)

PROCLAMATIONS OF "MEAGHAN SUSSMAN DAY", AND "MEGHAN QUINN DAY" - COUNCILMEMBER BOYAJIAN

(ADD-ON) PROCLAMATION OF THE 30TH ANNIVERSARY OF THE FIRST STEP/WALK ON THE MOON - PRESIDENT STEITZ

RESOLUTION OF COMMENDATION TO OLD-TIME FIDDLERS ASSOCIATION - ACTING PRESIDENT MATHYS

The above proclamations and commendations were read and presented.

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APPROVE MINUTES OF JUNE 29, 1999

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of June 29, 1999, approved, *as amended*, on Page 133-423, Item 5A, showing President Steitz voting "yes" instead of "no".

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APPROVE AGENDA:

(5G) DIRECT STAFF TO RETURN TO COUNCIL WITH A PROPOSAL AND TRANSFER OF FUNDS RESOLUTION (TO COVER PROJECT PROCESSING COSTS) TO REZONE PROPERTIES IN THE SAN JOAQUIN RIVER BOTTOM IN CONFORMANCE WITH ADOPTED CITY PANS - COUNCILMEMBER PEREA

Removed from the agenda.

(5H) APPROVE PREPARATION OF APPROPRIATION (*APPROPRIATE*) DOCUMENTS FOR CHARTER AMENDMENT TO ALLOW EACH COUNCIL DISTRICT TO HAVE TWO PERMANENT POSITIONS - COUNCILMEMBER RONQUILLO

City Clerk Klisch corrected the word “appropriation” to “appropriate”. So noted and corrected.

(4:05 P.M.) RESOLUTION - SUPPORTING CONSTITUTIONAL AMENDMENT BANNING DESECRATION OF THE AMERICAN FLAG - ACTING PRESIDENT MATHYS

Councilmember Perea distributed copies of the congressional record of August 3, 1998, relative to the issue, noted Council also took action in 1998, and made a motion to remove the item from the agenda, which was seconded and acted upon after brief discussion.

Councilmember Perea continued noting the Council’s action in June of 1998 was included in the congressional record, stressed a very strong statement was made by that Council action, and stated that action should be allowed to stand and it did not need to be reaffirmed every year. Councilmember Bredefeld concurred and briefly commented on the issue

Acting President Mathys stated this was a question of principal and expressed his concern that a Councilmember would make an effort to remove something of this significance off the agenda, clarified timing was at issue as after years of effort Congress finally passed a flag desecration amendment and this was an opportunity to support our Congress, and requested the item be left on the agenda.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled **4:05 P.M.** item removed from the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Perea, Quintero, Ronquillo
Noes	:	Mathys, Steitz
Absent	:	None

(8:30 A.M. “C”) APPROVE ACTIONS REGARDING THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) PUBLIC IMPROVEMENT GRANT FOR THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA

- 1. JOINT RESOLUTION - APPROVING AN AGREEMENT BETWEEN THE CITY AND THE REDEVELOPMENT AGENCY FOR THE ADMINISTRATION OF THE EDA GRANT AND THE PROMISSORY NOTE TERMS FOR THE LOCAL MATCH MONIES LOANED BY THE CITY TO THE AGENCY , EITHER (1) IN THE FORM AND ON THE TERMS PROPOSED BY AGENCY STAFF, OR (2) IN THE FORM AND ON THE TERMS PROPOSED BY CITY STAFF; AND MAKING CERTAIN FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445**
- 2. AUTHORIZE THE AGENCY EXECUTIVE DIRECTOR AND CITY MANAGER, OR THEIR DESIGNEES, TO EXECUTE AND ADMINISTER THE AGREEMENT (DISCUSSED AGAIN LATER)**

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled **Agency Item “C”** laid over one week, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(5F) STATUS REPORT ON THE MULTIPURPOSE STADIUM - COUNCILMEMBER BREDEFELD

Councilmember Bredefeld requested a time certain and the issue was set for 11:15 a.m. this date.

NOTIFICATION OF NEED TO LEAVE COUNCIL MEETING BETWEEN 4:00 P.M. AND 5:00 P.M. THIS DATE DUE TO PRIOR COMMITMENT - COUNCILMEMBER QUINTERO

So noted.

(2:00 P.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

- 1. WILDCAT ENTERPRISES V. CITY OF FRESNO**
- 4. N. T. HILL V. CITY OF FRESNO**

Removed from the agenda at the direction of City Attorney Montoy.

(8:30 A.M. “C”) APPROVE ACTIONS REGARDING THE UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION (EDA) PUBLIC IMPROVEMENT GRANT FOR THE ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA (CONTINUED FROM EARLIER)

City Manager Reid advised the issue had been placed on the agenda by City staff, noted there were no outstanding issues that he was aware of, stated this would have been an opportunity to resolve some policy issues, and requested in the future City staff be given an opportunity to express their position before pulling an item. So noted.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes : None
Absent : None

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ADOPT CONSENT CALENDAR:

(1A-2) AWARD A CONTRACT TO JIM CRAWFORD CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$287,644.08 FOR RECONSTRUCTION OF N. THIRD STREET, N. BOND STREET, E. HARVEY AVENUE, AND E. THOMAS AVENUE NEIGHBORHOOD STREETS

(1A-3) AUTHORIZE THE POLICE CHIEF TO ENTER INTO AN AGREEMENT WITH THE KING OF KING'S HOUSING DEVELOPMENT CORPORATION IFOR THE CITY TO RECEIVE \$75,000 TO PROVIDE COMMUNITY EDUCATION AND CRIME PREVENTION ACTIVITIES AT SELECTED HOUSING COMPLEXES

a. *RESOLUTION NO. 99-204 - 1ST AMENDMENT TO AAR 99-181 APPROPRIATING \$37,500 TO PROVIDE POLICE SERVICES FOR THE NEW APPROACH ANTI-DRUG PROGRAM

b. *RESOLUTION O. 99-205 - 1ST AMENDMENT TO PAR 99-182 PROVIDING ONE (1) COMMUNITY SERVICES OFFICER II FOR THE NEW APPROACH ANTI-DRUG PROGRAM

(1A-4) APPROVE CARGO BUILDING LEASE AND AGREEMENT WITH THE HERTZ CORPORATION, AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SUBJECT LEASE AND AGREEMENT ON BEHALF OF THE CITY

(1A-5) AUTHORIZE THE PURCHASING MANAGER TO DISPOSE OF SURPLUS FIRE APPARATUS IN CONFORMANCE WITH FRESNO MUNICIPAL CODE SECTION 3-202, BY TRANSFERRING SIX OF THE SEVEN FIRE APPARATUS TO THE VARIOUS AGENCIES LISTED IN THE STAFF REPORT AND, BY INCLUDING THE REMAINING FIRE APPARATUS IN THE CITY'S NEXT SURPLUS ACTION

(1A-6) *RESOLUTION NO. 99-206 - RESCINDING AND SUPERSEDING RESOLUTION 95-198 WHICH ORDERED THE VACATION OF W. BELGRAVIA BETWEEN S. CHANNING AND S. TEILMAN AVENUES, AND S. CHANNING BETWEEN W. FLORENCE AND W. BELGRAVIA AVENUES

(1A-7) APPROVE THE SALE OF THE 4,696 SQUARE FOOT REMNANT PARCEL ON FIGARDEN DRIVE TO THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR THE PRICE OF \$1.00 WITH AN AGREEMENT THAT THE CHURCH INSTALL AND MAINTAIN FLOOD CONTROL IMPROVEMENTS AND LANDSCAPING ON THE SITE; AND THAT IT AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE A GRANT DEED AND ALL OTHER DOCUMENTS NECESSARY TO CONCLUDE THE TRANSACTION AFTER LANDSCAPING AND DRAINAGE PLANS ARE APPROVED BY THE DEVELOPMENT AND PUBLIC WORKS DEPARTMENTS

(1A-8) ACCEPT OWNERSHIP FOR LOTS 18 AND 19 OF TRACT 4377, LOCATED AT E. GROVE AND S. JUDY FROM CENTEX HOMES AS AN OPEN SPACE/PARK SITE; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO CAUSE THE GRANT DEED TO BE RECORDED AFTER IT IS REVIEWED AND APPROVED BY THE CITY ATTORNEY'S OFFICE, AND A MINIMUM LEVEL OF TITLE INSURANCE TO BE OBTAINED

(1A-10) APPROVE SALE OF SURPLUS PROPERTY ADJACENT TO PUMP STATION NO. 183 AT CHESTNUT AND BYRD AVENUES TO DAVID K. RUSCHHAUPT FOR \$3,000; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION ON BEHALF OF THE CITY

(1A-12) **RESOLUTION NO. 99-207** - ACCEPTING A GRANT OFFER FROM THE CALIFORNIA TRANSPORTATION COMMISSION, CALIFORNIA AID TO AIRPORTS PROGRAM, FOR AIRFIELD IMPROVEMENTS AT FRESNO CHANDLER DOWNTOWN AIRPORT; AND AUTHORIZE THE EXECUTION OF THE GRANT AGREEMENT BY THE DIRECTOR OF TRANSPORTATION

(1A-13) AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR TO ENTER INTO A CONSULTANT DESIGN AGREEMENT NOT TO EXCEED \$28,000 FOR THE DESIGN OF THE .5-MILE RIVERSIDE TRAIL SECTION OF THE LEWIS S. EATON TRAIL AND PREPARE A COST ESTIMATE FOR A GRANT APPLICATION FOR IMPROVEMENTS TO THE RIVER BOTTOM PARK

(1A-14) ***RESOLUTION NO. 99-208** - 1ST AMENDMENT TO SALARY RES. 99-175 INCREASING THE SALARY FOR THE CLASSES OF EMERGENCY SERVICES DISPATCHER I/II/III REPRESENTED BY THE FCEA NON-SUPERVISORY WHITE COLLAR UNIT 3

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, the entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILLS FOR INTRODUCTION:

(1B-1) **BILL NO. B-50** - REPEALING ARTICLE 4, CHAPTER 13 OF, AND ADDING ARTICLE 4, CHAPTER 13 TO THE FRESNO MUNICIPAL CODE RELATING TO HISTORIC PRESERVATION

(1B-2) AMENDMENT TO THE UNIFORM FIRE CODE

a. RESOLUTION NO. 99-209 - AFFIRMING THE EXPRESS FINDINGS FOR MODIFICATIONS OF THE UNIFORM FIRE CODE

b. BILL NO. B-51 - REPEALING AND RE-ENACTING ARTICLE 7, CHAPTER 9, SECTION 9-71003.1.4 AND SECTION 9-71003.2 OF THE FRESNO MUNICIPAL CODE, RELATING TO FIRE PREVENTION

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, **RESOLVED**, the entitled Bill Nos. B-50 and B-51 introduced before the Council and laid over, and the above entitled Resolution No. 99-209 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(9:00 A.M.) DISCUSSION REGARDING THE HIDALGO PROJECT AREA, PHASES I, II AND III - COUNCILMEMBER PEREA

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the 9:00 A.M. item to be heard before reconvening in joint session with the Redevelopment Agency, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

Councilmember Perea stated there had been a series of broken promises made by the City to area residents, emphasized for the last 40 years the area has been without basic essentials we all take for granted in our neighborhoods such as curbs, gutters, and proper drainage and the result was children walking to school in the middle of streets competing with vehicles due to constant and on-going flooding and drainage problems, **(3 - 0)** and expressed his concern with the issue and with the public works schedule for that area.

City Manager Reid responded stating the City did not think it was “alright” that those neighborhood conditions existed in the city; emphasized any fair review of the administration’s commitment to budget funds for neighborhood improvements would show historic efforts had been made for restoration projects such as the Hidalgo area; stated comments made were inappropriate and unfair; and explained reasons for delays and reviewed Phases I and II.

Speaking to the issue and expressing concerns with their neighborhood conditions were: Hope Cortez, homeowner, 3674 E. Turner. Rosemary Baise, Guidance Instructional Specialist, Hidalgo Elementary School, presented two Hidalgo students who live in the area who spoke to the issue. Continuing were: Mary Marceletti, Principal, Hidalgo Elementary; a gentlemen who resides at 525 N. Fifth Street; and William Smedly, 717 N. Fifth Street, who requested the City not annex any more property until existing city property is properly taken care of.

Discussion ensued with Councilmembers stating they were sensitive to the residents’ problems and emphasized improvements would be made, and comments were made relative to City dollars and how they are prioritized and spent. Mr. Reid and Civil Engineer Jarvis responded to Council questions on the timeline for the improvements (Phases I and II).

Councilmember Perea reiterated his concern stating the improvement project starting in the spring of 2000 was not acceptable, stated he wanted Phases I and II tied together adding Phase I funding was budgeted in the last fiscal, and requested a written commitment on the phases. Hidalgo Project Coordinator Bachant explained the reason for the project’s delays, and Councilmember Perea stated he wanted Phase II’s timeline moved up. There was no further discussion.

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The City Council recessed at 10:53 a.m. and reconvened in joint session with the Redevelopment Agency.

(8:30 A.M. “A”) COUNCIL ELECTION TO RECEIVE PASS THROUGH OF TAX INCREMENT FROM SOUTH FRESNO, CENTRAL CITY, AND AIRPORT REDEVELOPMENT PROJECT AREAS

1. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

2. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

3. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

(RECONSIDERED LATER)

City Manager Reid advised the Central City Project was not appropriate for action this date due to the plan not being approved by the Mayor by yesterday’s timeline; and reviewed the issue stating this was a small measure needed to mitigate the losses to the City’s general fund of redevelopment project boundaries and the funds were needed to provide essential city services.

Councilmember Ronquillo stated he thought the pass through issue had already been resolved and commented on the state of redevelopment urging the resolutions not be adopted. Mr. Reid responded to and clarified Councilmember Ronquillo’s comments.

On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution Nos. **1** and **3** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Steitz
Noes	:	Boyajian, Perea, Ronquillo
Absent	:	None

(**Note – the issue was brought back for reconsideration after the next item)

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The joint bodies adjourned at 11:00 a.m. and the City Council reconvened in regular session.

(9:05 A.M.) APPEARANCE BY DEBORAH SMITH REGARDING A PLUMBING PROBLEM

Ms. Smith, representing property owners on W. Ashlan Avenue, stated the problem was due to the sewer line connected to a neighbors, advised of on-going problems since the home was purchased in 1994 (clogged lines and sewer flooding problems), **(4 - 0)** and requested the City correct the situation.

Brief discussion ensued and the matter was referred to staff to report back with options on August 17th, including funding options and liability of the builder. There was no further discussion.

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MOTION TO RECONSIDER REDEVELOPMENT AGENCY ITEM 8:30 A.M. “A” - COUNCILMEMBER BREDEFELD

Councilmember Bredefeld stated he thought the motion was opposite of what he supported and requested the matter be reconsidered.

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, reconsideration of the issue hereby approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(“A”) COUNCIL ELECTION TO RECEIVE PASS THROUGH OF TAX INCREMENT FROM SOUTH FRESNO, CENTRAL CITY, AND AIRPORT REDEVELOPMENT PROJECT AREAS

1. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE SOUTH FRESNO INDUSTRIAL REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

2. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE CENTRAL CITY COMMERCIAL REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

3. RESOLUTION - ELECTING TO RECEIVE A PART OF THE TAX INCREMENTS FOR THE AIRPORT AREA REVITALIZATION REDEVELOPMENT PROJECT PURSUANT TO HEALTH AND SAFETY CODE SECTION 33607.5

Upon question of President Steitz, there was no motion to adopt the above entitled resolutions and the election was not made.

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(9:10 A.M.) APPEARANCE BY DAVID WELLS REGARDING ELECTRIC VEHICLES OF AMERICA (EVA) AND THE CREATION OF 900+ JOBS IN FRESNO BY MANUFACTURING HYBRID ELECTRIC BUSES

Appearance made. Councilmember Ronquillo briefly left the meeting at 11:18 a.m.

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(9:15 A.M.) APPROVE RECOMMENDATION FOR COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS (CHDOs) PROJECT APPLICATIONS, AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE, TO NEGOTIATE AND PREPARE THE DEVELOPMENT AGREEMENTS WITH THE CHDOs, ALLOWING MINOR MODIFICATIONS TO ACHIEVE THE INTENT OF COUNCIL’S ACTION

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the allocation of CHDO funds to (1) the Housing Assistance Corporation (HAC) for a grant of \$907,900 to assist in the acquisition and demolition of 62 substandard apartment units located on two adjacent properties in north

central Fresno on the northeast corner of Saginaw and Del Mar Avenues and the construction of 48 three-bedroom units hereby approved; and (2) to Central Valley Christian Housing (CVC) for a grant of \$110,000 to rehabilitate eleven units at Ranchwood Condominiums, located at the southeast corner of Lane and Chestnut Avenue., provided the concerns and conditions noted in the staff recommendation can be met approved, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Steitz
Noes	:	None
Absent	:	Ronquillo

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(9:30 A.M.) HEARING REGARDING CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 12 - TRACT NOS. 4487 AND 4833

1. RESOLUTION NO. 99-210 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 99-211 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 99-212 - DECLARING ELECTION RESULTS

4. BILL NO. B-52 - ORDINANCE NO. 99-47 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 1999-2000 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2

President Steitz announced the time had arrived to consider the issue and opened the hearing. Chief of Design Services Valenzuela briefly reviewed the staff report as submitted.

Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 99-210, 99-211 and 99-212 hereby adopted, and the above entitled Bill No. B-52 a adopted as Ordinance No. 99-47, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Steitz
Noes	:	Mathys, Perea
Absent	:	Ronquillo

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Councilmember Ronquillo returned to the meeting at 11:26 a.m.

(9:45 A.M.) HEARING ON REZONING APPLICATION NO. R-99-16, FILED BY ROBERT SIEGRIST, PROPERTY LOCATED ON THE SOUTH SIDE OF E. SAGINAW WAY BETWEEN N. DEL MAR AND N. BLACKSTONE

1. BILL NO. B-53 - ORDINANCE NO. 99-48 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE PROPERTY FROM P TO C-6

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Perea, seconded by Acting President Mathys, duly carried, RESOLVED, the mitigated Negative Declaration for Environmental Assessment No. R-99-16/C-99-63 hereby approved; and the above entitled Bill No. B-53 approving Rezoning Application No. R-99-16, reclassifying the subject property from the P to the C-6 zone district, subject to the implementation of mitigation measures identified by the Mitigated Negative Declaration for Environmental Assessment No. R-99-16/C-99-63 adopted as Ordinance No. 99-48, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(10:00 A.M.) HEARING TO CONSIDER APPROVAL OF ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL FOR FY 98-99, AND ADOPT RESOLUTION ESTABLISHING ASSESSMENTS TO RECOVER CITY COSTS

1. *RESOLUTION - ESTABLISHING ASSESSMENTS TO RECOVER CITY COSTS

2. APPEARANCE BY LUCILLE DAVIS OPPOSING THE ASSESSMENT OF A TAX LIEN FOR ABATEMENT OF HER PROPERTIES

President Steitz announced the time had arrived to consider the issue and opened the hearing. Director of Housing and Neighborhood Revitalization Quiring briefly reviewed the staff report as submitted.

Speaking in opposition to their assessments were: Paul Mosesian; Ted Wilson, representing Lucille Davis; Ben Jones; Carol Gostanian; and Micheal Dowling, Esq., on behalf of the Thacher Threlkeld Estate.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the hearing.

Brief discussion ensued on options, impact of a delay in adopting the resolution, and noticing process.

(5 - 0) On motion of President Steitz, seconded by Acting President Mathys, duly carried, RESOLVED, the hearing continued to 4:00 p.m. to allow staff to address issues raised, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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(10:15 A.M.) CONTINUED HEARING TO CONSIDER THE CANCELLATION OF A PORTION OF AGRICULTURAL LAND CONSERVATION CONTRACT NO. 8, FOR 2856 ARES LOCATED ON THE SOUTHEAST CORNER OF S. EAST AND E. NORTH AVENUES AND WAIVER OF THE CANCELLATION FEE

1. *RESOLUTION NO. 99-213 - APPROVING THE CANCELLATION AND WAIVER OF FEE

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-213 hereby adopted granting (1) the tentative cancellation of Agricultural Land Conservation Contract No. 8, which shall become final upon payment of the required cancellation fee to the Fresno County Treasurer, and (2) the waiver of the cancellation fee subject to the approval by the Secretary of the Resources Agency, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Quintero, Ronquillo, Steitz
Noes	:	Perea
Absent	:	None

Planner Lewis briefly responded to questions of Councilmember Perea relative to Finding #2.

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(10:45 A.M.) HEARING ON REZONING APPLICATION NO. R-99-13, FILED BY GRANVILLE HOMES, INC., PROPERTY LOCATED ON THE NORTH SIDE OF E. TEAGUE BETWEEN N. CHESTNUT AND N. WILLOW AVENUES

1. BILL NO. B-54 - ORDINANCE NO. 99-49 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM

President Steitz announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Beach briefly reviewed the staff report as submitted, and advised of a correction on Page 3 of the matrix, and recommended approval of the rezone.

Robert Wood, 1396 W. Herndon, representing the applicant, spoke in support of the project.

Upon call, no one else wished to be heard and President Steitz closed the hearing.

A motion and second to approve staff's recommendation was acted upon after discussion with Mr. Beach responding to Council questions relative to improvement of Teague Avenue, type of project, fees, mitigating DBCP in the water, purpose of urban reserve, comparison of this project with the Cambridge project, if other projects had been supported in the urban reserve, and if the subject project was in the urban reserve.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. TPM-99-05, R-99-13, C-99-54 hereby approved, and the above entitled Bill No. B-54 approving Rezoning Application No. R-99-13, subject to the required dedication of E. Teague Avenue right-of-way, adopted as Ordinance No. 99-49, by the following vote:

Ayes	:	Boyajian, Bredefeld, Quintero, Ronquillo, Steitz
Noes	:	Mathys, Perea
Absent	:	None

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(11:00 A.M.) CONTINUED HEARING ON PLAN AMENDMENT NO. A-99-05 AND REZONING APPLICATION NO. R-99-010, FILED BY JEFFREY BAIRD, PROPERTY LOCATED AT 4949 N. GLENN AVENUE (PLANNING COMMISSION RECOMMENDATION TO CONTINUE FOR SIX MONTHS)

President Steitz announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Steitz closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the hearing on P.A. A-99-05/R-99-010, filed by Jeffrey Baird postponed indefinitely, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

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SUSPENSION OF LUNCH HOUR RULE

On motion of Councilmember Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the lunch hour rule hereby suspended to continue with the agenda, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	None
Absent	:	None

(5F) (11:15 A.M.) REQUEST FOR STATUS REPORT ON THE DOWNTOWN MULTIPURPOSE STADIUM - COUNCILMEMBER BREDEFELD

City Attorney Montoy advised lots of progress had been made with marathon telephone conferences of both parties taking place; noted ACA had not been present at those meetings which she felt was somewhat of a setback; stated details such as the parking agreement and financing mechanisms with the Agency's participation were being worked on; advised a meeting was scheduled for Thursday, July 22nd with attorneys relative to validation; and stated staff was anticipating submittal of all documents by late August.

Acting President Mathys noted he had asked for financial information on the Diamond Group four times reiterating it was important to have that information if the City would be loaning \$7+ million adding that was basic information that needed to be made public.

Ms. Montoy responded to numerous questions of Councilmember Quintero relative to ACA's presence and non-presence at meeting, reasons therefor, comparison with the Seattle project relative to cost overruns, consequences if the Diamond Group were to walk away from the project during construction, and responsibility for payments, with Ms. Montoy advising the City would not be responsible for any payments until a certificate of occupancy was issued upon completion of the stadium.

Councilmember Ronquillo stated he was very positive; noted Fresno County had thoroughly looked at all issues, and stressed the stadium would have activity and urged all to stay positive adding this was good for the City.

Ms. Montoy and City Manager Reid responded to questions of President Steitz relative to how much the Diamond Group paid for the team, if there was a binding commitment from ACA, and control of City funds while in escrow. President Steitz stated his concern all along had been there should have been a commitment from ACA as to what they would accept before expending time and money preparing documents.

City Manager Reid noted escrow and bond funds were not part of the April deal, stated there would be an additional risk to the City and explained, and added the bottom line was the City was continuing to stay on the wrong path. Upon question of Councilmember Bredefeld, Ms. Montoy stated the City would maintain control of funds while in escrow and confirmed progress was being made and the project was moving forward. Councilmember Bredefeld noted those opposed to the project would be opposed up to ground breaking and stressed tremendous progress had been made and he felt ground breaking would take place this year. **(6 - 0)**

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Councilmember Quintero noted Fresno Bee reporter Felicia Cousart Matlosz would be leaving her reporting job at City Hall shortly and extended best wishes along with Council.

LUNCH RECESS - 12:40 P.M. - 2:14 P.M. Councilmembers Perea and Quintero arrived later.

(1A-1) *RESOLUTION NO. 99-214 - 2ND AMENDMENT TO AAR 99-181 APPROPRIATING \$105,000 OF THE OCJP FUNDS TO CONTINUE THE FY 2000 OPERATION OF THE VIOLENCE AGAINST WOMEN LAW ENFORCEMENT SPECIALIZED UNITS PROGRAM

Upon request of Councilmember Bredefeld, Police Management Analyst Mahtab briefly explained and reviewed specifics of the program.

On motion of Councilmember Bredefeld, seconded by Acting President Mathys, duly carried, RESOLVED, the above entitled Resolution No. 99-214 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld. Mathys, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea, Quintero

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(1A-9) APPROVE ACQUISITION OF PROPERTY NECESSARY FOR CONSTRUCTION OF N. SOMMERVILLE DRIVE

Senior Real Estate Agent Hansen responded to Council questions relative standard City practice in purchasing easements, and distance of the subject property from International Avenue.

On motion of Councilmember Bredefeld, seconded by Councilmember Ronquillo, duly carried, resolved, the acquisition of (1) a 0.19-acre easement from Donald and Phyllis Oates on Fresno County APN 568-020-05 for \$17,600, and (2) a 0.73-acre easement and 0.69-acre remnant parcel from Jerry and Billie Tabor on Fresno County

APN's 568-020-35 and 36 for \$117,500, necessary for the construction of N. Sommerville Drive hereby approved; the finding that the 0.69-acre remnant parcel is surplus property hereby made and the conveyance of that parcel to Westcal, Inc. approved; and the Public Works Director authorized to sign all documents necessary to complete the transactions on behalf of the City, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Ronquillo, Steitz
Noes	:	None
Absent	:	Perea, Quintero

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(1A-11) *AMEND THE FISCAL YEAR 2000 CAPITAL IMPROVEMENT PROGRAM TO SUBSTITUTE A COLD RECYCLING PROJECT AT VARIOUS LOCATIONS IN LIEU OF THE NORTH AVENUE PROJECT FROM STATE ROUTE 99 TO STATE ROUTE 41

Councilmember Ronquillo stated prior to reading the staff report this proposal was new to him and expressed his concern with moving \$900,000 from the North Avenue project adding those involved had been waiting a couple of years for improvements for future property owners. Councilmember Perea arrived at 2:22 p.m.

City Manager Reid d apologized for any confusions created as a result of staff trying to use some the road funding processes to their maximum advantages; stated the North Avenue project had not been talked about specifically during the budget process adding if discussions had taken place he would have been able to explain the situation; clarified the North Avenue project had not intended to be included in the budget because the existing funds were not sufficient; and explained the process for federal project monies and reasons for the substitute proposal for cold recycling projects. Councilmember Ronquillo stated as the area representative he should have been informed of the plan.

City Engineer Salazar explained the proposal of almost nine miles of cold recycling in various areas of the city using a map to illustrate, and advised there was interest in obtaining additional TEA-21 monies for the North Avenue project in October 2000 and if successful, construction of the project would begin in the summer of 2001. President Steitz stated the confusion was due to the project being in the budget clarifying the whole purpose of it being in the budget was to qualify for potential state and federal monies to be used elsewhere.

Speaking in support of retaining the monies for the North Avenue project were: Dennis Parnegian, one of the principal land owners along North Avenue; Neil Angelillo; and Muriel Dangerfield.

Mr. Salazar and Mr. Reid responded to questions relative to improving a portion of North Avenue and clarified issues relating to other improvements and costs besides roads, and other matters being worked on.

Emphasizing the businesses had been waiting for two years, Councilmember Ronquillo requested the funds remain to improve North Avenue as far as east as possible from Freeway 99, urged Council to not support staff's recommendation, and made a motion to move forward with the plans to improve North Avenue, which motion President Steitz ruled impermissible as it was not on the agenda.

Brief discussion ensued with Mr. Parnegian and Mr. Salazar responding to questions relative to impact to Mr. Parnegian's project without road improvements, type of tenants anticipated at the industrial park, number of cold recycling projects that would be affected if the funds remained with North Avenue, street selection process for cold recycling, and how the cold recycling project would be delayed to October 2000 if not approved..

On motion of Acting President Mathys, seconded by President Steitz, duly carried, RESOLVED, the FY 2000 Capital Improvement Program hereby amended to substitute a Cold Recycling Project at various locations in lieu of the North Avenue Project from State Route 99 to State 41, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea. Steitz
Noes	:	Boyajian, Quintero, Ronquillo
Absent	:	None

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(2:00 P.M.) WORKSHOP ON AB 939 - STRATEGY DECISIONS

1. SET COUNCIL POLICY RELATING TO THE STRATEGY FOR FRESNO TO MEET THE AB 939 STATE MANDATE FOR 50% LANDFILL REDUCTION

Public Utilities Director Rhinehart reviewed the background and **(7 - 0)** gave a brief overview of issues which first needed to be decided upon and then given direction, and responded to Council questions relative to options, the City's proposal and role, including apartments and mobile homes parks in the new program, placing both source separation and materials processing out to bid, reason for current and past diversion rate, and continuation of alley service.

Speaking to the issue were: Jim Logan, representing Sunset Waste Paper, who introduced principals present and advised three people would be speaking. Brief discussion ensued on the list presented by staff on the order of presentations, with President Steitz advising Sunset Waste Paper was #10 on the list. Continuing to speak were: Robert Carter, who commented on composting and what it could do the for the community; and David Wells.

Vulcan-Eric's sons JV was not present when called. Making presentations and responding to Council questions were: Nelson Widell, representing Bedminster Bioconversion Corp.; Jack Payne, Managing Partner, representing Nova Greening; **(8 - 0)** Gene Duprey, representing Madera Disposal Systems, Inc., a subsidiary of Waste Connections, Inc., Roseville, CA, who also introduced principals in attendance; Dan Rosenthal, representing BLT Enterprises; Evan Edgar, representing Orange Avenue Disposal Company and the Caglia Family; and Jennifer Greenhick, representing Dan Green's Greenwaste and Wood Recycling.

RECESS - 4:16 P.M. - 4:26 P.M. Councilmember Quintero noted he would have to leave the meeting shortly due to a prior commitment as mentioned earlier in the meeting. Councilmember Ronquillo arrived after closed session.

Valley Environmental Excellence was not present when called. Companies continuing with their presentations were: Marty Zerniak, representing Norcal Waste Systems; Crystal Novash, Ray Gunther, and Luis Epolito, representing Sunset Waste Paper; and Mark Scozzari, representing BFI Waste Systems **(9 - 0)**.

The workshop was interrupted and brief discussion ensued on convening in closed session at this time due to outside counsel's presence and need to leave shortly.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the workshop interrupted to allow Council to convene in closed session to consider one issue, by the following vote:

Ayes	:	Boyajian, Mathys, Perea, Quintero, Steitz
Noes	:	Bredefeld
Absent	:	Ronquillo

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(2:00 P.M.) CLOSED SESSION

(B-1) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: CITY OF FRESNO VS. THE U.S. ARMY CORPS OF ENGINEERS AND THE BOEING COMPANY, ET AL

The Council met in closed session in Room 2125 at the hour of 4:46 p.m. to consider the above issue. Councilmember Quintero left at 4:55 p.m. and was absent for the remainder of the meeting.

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(2:00 P.M.) WORKSHOP ON AB 939 - STRATEGY DECISIONS

The Council reconvened in regular session at the hour of 5:00 p.m. and continued with the workshop. Councilmember Ronquillo returned to the meeting.

Continuing with presentations were: Cruz Ramos, representing USA Waste of California; and George Slater, Solid Waste Manager, representing the City of Fresno Solid Waste Division.

Upon call, no one else wished to be heard and President Steitz closed the public testimony portion of the workshop.

Acting President Mathys made a motion to go with source separation, three containers (one for solid waste, greenwaste and recyclables), and once a week pick-up for each. Brief discussion ensued with Mr. Rhinehart responding to questions. Councilmember Perea made an amendment to the motion to issue the RFP for *both* source separation and materials processing to obtain cost comparisons, which amendment was seconded and later acted upon. Brief discussion ensued on the goals and consequence of including both options in the RFP with City Manager Reid and Mr. Rhinehart responding to questions.

A motion of Councilmember Perea, seconded by Councilmember Boyajian, to include both source separation and materials processing in the RFP failed, by the following vote:

Ayes	:	Boyajian, Perea, Ronquillo
Noes	:	Bredefeld, Quintero, Steitz
Absent	:	Quintero

Strategy: #1 - Choice of Source Separation or Materials Processing Options:

On motion of Acting President Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, source separation chosen, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Ronquillo, Steitz
Noes	:	Perea
Absent	:	Quintero

Strategy #2 - Choice of Number and Size of Containers:

Acting President Mathys made a motion for three (3) containers: 96 gallons for greenwaste and solid waste, and an 18 gallon tub for recyclables, which was seconded.

Bruce Corwin, Project Manager, Black & Veatch, clarified issues (**10 - 0**) and reviewed their recommendation for container sizes and reasons therefore. Brief discussion ensued on the sizes, recommendations of the citizens committee, success of the City's recycling program, and San Jose's program, with Mr. Rhinehart and Assistant Public Utilities Director Anderson responding to questions.

Acting President Mathys amended his motion to go with 96 gallon containers for all three, with Mr. Rhinehart advising size of the containers did not have to be determined this date and explained. Brief discussion ensued and the original motion was withdrawn.

On motion of Councilmember Boyajian, seconded by Councilmember Bredefeld, duly carried, RESOLVED, three (3) containers chosen with the size to be determined at a later time, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

Strategy #3 - Choice of Whether to Offer Once-Per-Week MSW Collection to Maximize Waste Diversion and to Hold Down Costs:

Brief discussion ensued on seeing costs for both once and twice-a-week service, with Mr. Rhinehart stating there would be an increase in rates with twice-a-week although he did not know the amount at this time.

Acting President Mathys made a motion to go with once-a-week service for solid waste, greenwaste and recyclables, which was seconded by Councilmember Ronquillo who urged staff to try to maintain the same rates.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the motion amended to obtain costs for twice-a-week solid waste service, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

On motion of Acting President Mathys, seconded by Councilmember Ronquillo, duly carried, RESOLVED, once-a-week solid waste, green waste and recycling service chosen, along with the option to obtain costs for twice-a-week solid waste service, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

Strategy #4 - Choice of Whether to Include Alley Customers in the New Waste Diversion Programs to Maximize Waste Diversion and to Minimize the Logical Problems of the Programs:

Councilmember Boyajian stated he supported customers maintaining their alley service and explained, and made a motion to not include alley customers in the new program.

Mr. Anderson explained staff's rationale to discontinue alley service and discussion ensued, with Mr. Anderson responding to questions. Upon question of President Steitz, Mr. Anderson stated he did not feel the City could not meet its 50% goal under the source separation direction without alley customers.

Councilmember Perea made an amendment to the motion to move all alley service to the front, which amendment President Steitz ruled impermissible stating the original motion first needed to be acted upon.

A motion of Councilmember Boyajian, seconded by Acting President Mathys, to *not* include alley customers in the new Waste Diversion programs failed, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys
Noes	:	Perea, Ronquillo, Steitz
Absent	:	Quintero

On motion of Councilmember Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, alley customers to be included in the new Waste Division programs, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	Quintero

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(5H) APPROVE PREPARATION OF APPROPRIATE DOCUMENTS FOR CHARTER AMENDMENT TO ALLOW EACH COUNCIL DISTRICT TO HAVE TWO PERMANENT POSITIONS - COUNCILMEMBER RONQUILLO

(5I) RESOLUTION - AUTHORIZE THE DIRECTOR OF PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT TO ACCEPT THE DONATION OF KIOSKS AND INSTALLATION THEREOF FROM, AND ENTER INTO AND SIGN AN ADVERTISING AGREEMENT WITH, THE DOWNTOWN ASSOCIATION - COUNCILMEMBER RONQUILLO

The above entitled Items **5H** and **5I** laid over one week at the direction of Councilmember Ronquillo.

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(5A) REQUEST THE CITY MANAGER TO HAVE THE GUTTER GROUND AT 5287 E. GRANT IN ORDER FOR THE STANDING WATER TO DRAIN TO THE PROPER OUTLET AT 5181 E. GRANT - COUNCILMEMBER QUINTERO

Laid over one week.

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(5B) APPOINT THREE (3) COUNCILMEMBERS TO THE SOCIAL SERVICES FUNDING COMMITTEE - PRESIDENT STEITZ

(5C) RESOLUTION - SUPPORTING LEGISLATION THAT WOULD EXTEND \$5.8 MILLION FOR AN AMTRAK STATION IN FRESNO - PRESIDENT STEITZ

(5D) RESOLUTION - SUPPORTING "THE FAIR COMPETITION AND TAXPAYERS SAVINGS ACT" INITIATIVE AND LEGISLATION - PRESIDENT STEITZ

The above entitled Items **5B**, **5C** and **5D** laid over one week at the direction of President Steitz.

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(5E) *RESOLUTION NO. 99-215 - 3RD AMENDMENT TO AAR 99-181 APPROPRIATING \$600 FROM DISTRICT 2's GENERAL FUND INFRASTRUCTURE CAPITAL BUDGET TO PROVIDE FUNDS TO NON-INFRASTRUCTURE RELATED PROJECTS - ACTING PRESIDENT MATHYS

On motion of Acting President Mathys, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 99-215 hereby adopted, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Ronquillo, Steitz
Noes	:	Perea
Absent	:	Quintero

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(10:00 A.M. - CONTINUED TO 4:00 P.M.) HEARING TO CONSIDER APPROVAL OF ASSESSMENTS FOR COSTS INCURRED BY THE CITY FOR WEED DISCING, TRASH AND DEBRIS REMOVAL FOR FY 98-99, AND ADOPT RESOLUTION ESTABLISHING ASSESSMENTS TO RECOVER CITY COSTS

1. *RESOLUTION NO. 99-216 - ESTABLISHING ASSESSMENTS TO RECOVER CITY COSTS

President Steitz noted it was staff's recommendation to remove the Gostanian and Ben Jones/Candance Construction College assessments from the list for this fiscal year for further review. Upon a request by Mr. Jones to speak, City Attorney Montoy clarified the public testimony portion of the hearing had been closed earlier and it

was time for Council deliberations only. President Steitz stated assessments for property on E. Home had been paid with HNR Director Quiring stating she would look into the issue and remove the assessment from the list if that was in fact the case.

On motion of Councilmember Perea, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 99-216 hereby adopted with an amended assessment report deleting the Gostanian and Ben Jones/Candance Construction College assessments, and staff authorized to forward the report to the Fresno County Tax Assessor, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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(3A) RATIFICATION OF SUPPLEMENTAL RESPONSES TO THE 1998-99 GRAND JURY REPORT

On motion of Councilmember Ronquillo, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Item **3A** laid over one week, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Ronquillo, Steitz
Noes	:	None
Absent	:	Quintero

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Councilmember Ronquillo advised he had a prior commitment and left the meeting at 6:18 p.m.

UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY BARBARA HUNT RELATIVE TO VARIOUS CONCERNS OF HMONG CITIZENS

Appearance made. Speaking to issues of corruption involving Gen. Pao and unfair/unjust treatment of relatives involved and wrongly convicted in a gang rape case were: an unidentified gentleman; May Yang, 5284 E. Inyo; Tracey Lor, 4882 E. Geary; Dao (Lisa) Vang, 5355 E. Harvey; Pang Moua, 5023 E. Lane #201; Xae Yang, 3765 E. Princeton; and a Mother of one of the men convicted in the rape case who pleaded for any help in her son's unjust 80-year sentence. Acting President Mathys advised the speakers to contact the City's Ombudsman, the Human Relations Commission, and the Attorney General's Office, and President Steitz requested all the issues be submitted to him in writing and he would have the City Attorney review the matter.

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(2:00 P.M.) CLOSED SESSION:

(A.) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBSECTION (a) - CASE NAMES:

2. VICTORIA ANDERSON V. CITY OF FRESNO, ET AL.

3. RIVER PARK PROPERTIES V. CITY OF FRESNO AND CITY OF CLOVIS; ROBERT J. ROSATI V. CITY OF FRESNO AND CITY OF CLOVIS

5. FLOYD WHITE V. CITY OF FRESNO

6. SHERRY LONG V. CITY OF FRESNO (CLAIM #397-5212)

7. GILBERT MURRIETTA V. CITY OF FRESNO (CLAIM #395-5170, 397-5153, 398-0037)

8. EARL REMILY V. CITY OF FRESNO (CLAIM #395-5170, 397-203)

(B.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBSECTION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

3. COUNTY OF FRESNO V. CITY OF FRESNO

(C.) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: LEASE AGREEMENT WITH FRESNO COUNTY RELATING TO VAN NESS AVENUE AND INYO STREET SPIRAL PARKING GARAGE - NEGOTIATING PARTIES: JEFFREY REID, ROBERT QUESADA, CITY NEGOTIATORS; JOHN WEISNER, COUNTY NEGOTIATOR; UNDER NEGOTIATION: INSTRUCTIONS TO NEGOTIATORS CONCERNING PRICE, TERMS OF PAYMENT, AND OTHER LEASE TERMS AND CONDITIONS

The above closed session items under **A**, **B**, and **C** laid over one week.

(B.) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBSECTION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:

2. CLAIM OF JOSETTE JORDAN

The Council met in closed session to consider the above issue and convened in regular session thereafter. City Attorney Montoy announced the claim of Josette Jordan for damages filed against the City alleging the Police Department failed to investigate, arrest and submit for prosecution an alleged rapist, which all occurred on 12/10/98, was denied on a 5-0 vote, with Councilmembers Ronquillo and Quintero absent.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 6:47 p.m. having arrived and hearing no objections, President Steitz declared the meeting adjourned.

Dated this _____ day of _____, 1999.

Ken Steitz, Council President

ATTEST:

Yolanda Salazar, Assistant City Clerk